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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/380,731	09/13/1999	JOSEF OTTO RETTENMAIER	017309/0173	3007

7590 07/25/2003  
FOLEY & LARDNER  
3000 K STREET NW SUITE 500  
PO BOX 25696  
WASHINGTON, DC 200078696

EXAMINER

KIM, SUN U

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 07/25/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/380,731	Applicant(s) RET TENMAIER, JOSEF OTTO	
	Examiner John Kim	Art Unit 1723	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 May 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 and 30-41 is/are pending in the application.
- 4a) Of the above claim(s) 15-28 and 30 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 36-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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1. Claims 15-28 and 30 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7 as indicated in paragraph 2 of Paper No. 8.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. Claims 1, 3-7, 36, 38-41 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,486,267 (hereinafter referred to as Prusas). Prusas teaches alkaline treated hardwood chips comminuted via a hammer mill, attrition mill, cylinder press, or heavy duty screw press and pretreated before the alkali treatment (see col. 5, lines 7-12) wherein alkali treatment was carried out with dilute sodium hydroxide solution of 3% to 10% by weight under ambient temperature and pressure conditions (see col. 5, lines 1-4, 20-25, 62-64) such that wood chips retain its character and no lignin is extracted (see col. 3, line 47 – col. 4, line 13; col. 4, line 52 – col. 6, line 63) wherein hardwood chips comprises whole tree chips and chips made from underbarked pulpwood having a bark content of 7% and oak being the primary species (see col. 11, lines 6-10). The use of above chips as filter aid is an intended use of the product.
4. Claims 2, 13-14 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prusas. Prusas teaches alkaline treated hardwood comminuted chips as described in above paragraph. Claims 2 and 14 essentially differ from the product of Prusas in reciting wood fibers having a mean fiber diameter below 1 mm. Prusas teaches that chips are usually destructured or

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shredded to enhance their penetration by the chemical liquors (see col. 5, lines 5-7). It would have been obvious to a person of ordinary skill in the art to use wood fibers as starting materials and optimize the mean diameter below 1 mm in order to enhance the penetration of chemical liquors. Claims 13 and 37 essentially differ from the product of Prusas in reciting that the mean particle dimension is below 3 mm. It would have been obvious to a person of ordinary skill in the art to modify the dimension of mean particle dimension to below 3 mm for its use as a filter component.

5. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prusas as applied to claim 1 above, and further in view of U.S. Patent No. 4,488,969 (hereinafter referred to as Hou). Prusas teaches alkaline treated hardwood chips as described in above paragraph 3.

Claims 8-12 essentially differ from the product of Prusas in reciting filter active fraction including kieselguhr and perlite. Hou teaches a filter media sheet comprising cellulose fibers (such as wood pulp, cotton, cellulose acetate or rayon) of different pulps or differently beaten pulps in fiber diameter of 15 to 25 microns and fiber length of about 0.85 mm and perlite and silica (i.e. kieselguhr) (see col. 3, lines 13-27; col. 4, line 57 - col. 5, line 55; col. 9, lines 57-64). It would have been obvious to a person of ordinary skill in the art to combine the product of Prusas with filter active fractions including kieselguhr and perlite for its use in a filter media sheet in Hou et al '462.

6. Applicant's arguments with respect to claims 1-14 and 36-41 have been considered but are moot in view of the new ground(s) of rejection.

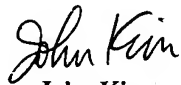
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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kim whose telephone number is (703) 308-2350. The examiner can normally be reached on weekdays from 7:00 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The fax phone number for official response after final action is (703) 872-9311, and the fax phone number for all other official faxes is (703) 872-9310.

When sending a draft amendment by fax, please mark the paper as "DRAFT"; otherwise, mark the paper "OFFICIAL". This will expedite the processing of the paper.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

  
John Kim  
Primary Examiner  
Art Unit 1723

J. Kim  
July 22, 2003